

**2013 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB746)**

Received: **2/13/2014** Received By: **tkuczens**  
Wanted: **As time permits** Same as LRB:  
For: **Amy Sue Vruwink (608) 266-8366** By/Representing: **Carl**  
May Contact: Drafter: **tkuczens**  
Subject: **Courts - immunity liability** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Rep.Vruwink@legis.wisconsin.gov**  
Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Liability protections for landowners who provide agritourism opportunities

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**Instructions:**

Include agricultural tourism activities under s. 895.52

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

**<END>**

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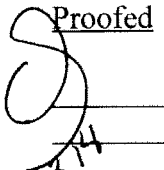
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FE Sent For:

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBs02987

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6 **PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY SUBSTITUTE AMENDMENT,**  
**TO ASSEMBLY BILL 746**

2/13/14

New

Gen

1 AN ACT ...; relating to: limits on liability for persons offering agricultural  
2 tourism activities.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 895.52 (1) (a) of the statutes is renumbered 895.52 (1) (ar). ✓

4 SECTION 2. 895.52 (1) (ag) of the statutes is created to read: ✓

5 895.52 (1) (ag) ✓  
Insert 1-3

6 SECTION 3. 895.52 (1) (g) of the statutes, as affected by 2013 Wisconsin Act 20, ✓  
7 is amended to read:

8 895.52 (1) (g) "Recreational activity" means any outdoor activity undertaken  
9 for the purpose of exercise, relaxation or pleasure, including practice or instruction  
10 in any such activity. "Recreational activity" includes hunting, fishing, trapping,

1 camping, picnicking, exploring caves, nature study, bicycling, horseback riding,  
2 bird-watching, motorcycling, operating an all-terrain vehicle or utility terrain  
3 vehicle, operating a vehicle, as defined in s. 340.01 (74), on a road designated under  
4 s. 23.115, ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding,  
5 snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or  
6 removing wood, climbing observation towers, animal training, harvesting the  
7 products of nature, participating in an agricultural tourism activity, sport shooting  
8 and any other outdoor sport, game or educational activity. "Recreational activity"  
9 does not include any organized team sport activity sponsored by the owner of the  
10 property on which the activity takes place.

History: 1983 a. 418; 1985 a. 29; 1989 a. 31; 1995 a. 27, 223, 227; 1997 a. 242; 2011 a. 93, 208; 2013 a. 20.

11 **SECTION 4. Initial applicability.**

12 (1) In this section: <sup>CS</sup>

13 (a) "Owner" has the meaning given in section 895.52 (1) (d) of the statutes.

14 (b) "Property" has the meaning given in section 895.52 (1) (f) of the statutes.

15 (c) "Recreational activity" has the meaning given in section 895.52 (1) (g) of the  
16 statutes, as affected by this act.

17 (2) The treatment of sections 895.52 (1) ~~s~~ of the statutes first applies to the  
18 death of, any injury to, or any death or injury caused by, a person engaging in a  
19 recreational activity on the <sup>✓</sup>owner's property on the effective date of this subsection. ✓

20 (END)

**ASSEMBLY BILL 746**

unpredictable behavior of wild, domestic, or farm animals on the property; the ordinary dangers of structures or equipment ordinarily used where agricultural, horticultural, or silvicultural crops are grown or farm animals or farmed fish are raised; and the possibility that a participant in an agricultural tourism activity may act in a negligent manner that may contribute to the injury to that participant or another participant.

The bill withholds immunity from civil liability to an agricultural tourism provider if any of the following circumstances apply: 1) the agricultural tourism provider fails to post a sign warning of a dangerous, but inconspicuous, condition known to the provider on the property; the agricultural tourism provider owns or is in lawful control of the property; and the death or injury is caused by the dangerous inconspicuous condition; 2) the agricultural tourism provider acts with willful or wanton disregard for the safety of the participant; or 3) the agricultural tourism provider intentionally causes the participant's injury or death.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 895.524 of the statutes is created to read:

**895.524 Participation in an agricultural tourism activity; limitations on civil liability, assumption of risk. (1) DEFINITIONS. In this section:**

(a) "Agricultural tourism activity" means an educational or recreational activity that takes place on a farm, ranch, grove, or other place where agricultural, horticultural, or silvicultural crops are grown or farm animals or farmed fish are raised, and that allows members of the general public, whether or not for a fee, to tour, explore, observe, learn about, participate in, or be entertained by an aspect of agricultural production, harvesting, or husbandry that occurs on the farm, ranch, grove, or other place. ✓ (end ins 1-5)

(b) "Agricultural tourism provider" means a person who operates, provides, or demonstrates an agricultural tourism activity.

(c) "Participant" means an individual, other than an agricultural tourism provider, who observes or participates in an agricultural tourism activity.